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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,914	07/31/2003	Shlomo Ben-Shoham	1268-198	7569

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EXAMINER

WILLIAMS, JAMILA O

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,914

Applicant(s)

BEN-SHOHAM, SHLOMO

Examiner

Jamila O Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on prelim amend filed 7-31-03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 it is unclear if the "at least one rigid peg" constitutes part of the "mate peg" or the "each pair of inter engaged pegs". It appears from the way the claim is currently drafted that these structures are different.

There is a lack of antecedent basis for the following limitations: "each peg" and "each pair of inter engaged pegs", recited in claim 1; "said pair of pegs", "the other peg", "said first peg", "said folder" and "said peg", recited in claim 2; "the pegs", recited in claim 7. These lack of antecedent basis issues make the claims indefinite because the examiner is unclear what structures are being claimed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4,7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Loud.

(As best understood) Loud discloses a document binder with two side covers pivotally attached to opposing edges of a back cover (fig 1), wherein on the internal face of each side cover at least one rigid peg is pivotally attached (10',13'), each peg is located in a corresponding position from an inter engagement with a mate peg (fig 2,4,6) of the opposite side cover such that the total length of each pair of inter engaged pegs is varying during the use according to the opening angle of the side covers (figs 1-6), as recited in claim 1; wherein each peg may be turned from facing its mate peg and be oriented to substantially vertical position to its attached side cover (fig 6), as recited in claim 2; further comprising means for keeping the peg steadily in open position (14), as recited in claim 3; wherein one peg of the pair of pegs is hollow and the other peg can be telescopically inserted inside the hollow cavity of the first peg, when the opposing covers are drawn closer and wherein the peg can be drawn out of the other peg by pulling the pegs apart when the covers are drawn apart (fig 1-6), as recited in claim 4; wherein the pegs are circular in cross section (fig 4), as recited in claim 7 and the other peg's outside diameter is smaller than the inside diameter of the hollow peg (fig 4), as recited in claim 8.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loud. Loud discloses all of the elements of the claims but for providing a clear teaching of having two or more pairs of pegs (in that the figures are partial views and the spec is silent as to the number o rings) and the specific outside diameter of the hollow peg. It is old and well known to have ring binders that include two or more rings (in most cases 3 rings are provided, as can be seen in 5,018,896 to Vanni for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include two or more pairs of pegs (or rings) for the purpose of providing a more suitable binder for loose-leaf documents.

Although Loud does not provide a teaching for the outside diameter of the hollow peg, it is well known that "standard perforation of documents using office punch produces circular holes 5mm in diameter", as applicant discloses on page 5 of the specification. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the outside diameter of the hollow peg smaller than 5mm for the purpose of allowing the binder to accommodate standard office punch sheets.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila O Williams whose telephone number is 703-305-3312. The examiner can normally be reached on 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JW



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